

REMARKS

This is intended as a full and complete response to the Office Action dated July 16, 2007, having a shortened statutory period for response set to expire on October 16, 2007. Please reconsider the claims pending in the application for reasons discussed below.

Claims 1-30 are pending in the application. Claims 2-8, 10-11, 13-16, 19-25 and 28-38 remain pending following entry of this response. Claims 2-8, 11, 13-16, 19-25 and 28-30 have been amended. Claims 1, 9, 12, 17-18 and 26-27 have been cancelled. New claims 31-38 have been added to recite aspects of the invention. Applicants submit that the new claims do not introduce new matter.

Interview Summary

On October 9, 2007, a telephonic interview was held between Gero G. McClellan, attorney of record, Patrick A. Darno, the Examiner and Steve Leroux, the Supervisory Examiner. The parties discussed the cited references including *Rubert* and *Benoit*. Claim 1 was discussed. The parties also discussed proposed amendments to claim 1. The proposed amendments are reflected in this response.

During the interview, Applicants argued that restricting available scheduling options based on cost is not taught in the references. No agreement could be reached at the time of the interview to put the application in condition for allowance. However, the Examiners did agree that amending the claims to recite that different units of work with respective different costs are presented with different scheduling options, should be allowable over the art. Accordingly, amendments consistent with the Examiners' suggestion are presented herein.

Claim Rejections - 35 U.S.C. § 103

Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Rubert et al.* (U.S. Patent No. 6,366,915, hereinafter, "*Rubert*") in further view of *Benoit et al.* (U.S. Publication 2003/0172082, hereinafter "*Benoit*").

The Examiner takes the position that *Rubert* teaches determining a plurality of scheduling options for future execution of the unit of work on the basis of cost. The Examiner cites *Rubert*, column 10, line 57 – column 11, line 4. In part, this section of *Rubert* teaches:

If the database server cannot execute the query at the current time, the Query Executor can delay the execution of the query. For example, the Query time when the database server can execute the query, or the Query Executor can contact the user in order to schedule query execution for a later time.

Claims 1, 12, 18 and 27 have been canceled and new claims 31-34 are provided herein based on the agreement reached during examiner interview to recite the limitation that a first set of user-selectable scheduling options for a first unit of work are different than the second set of user-selectable scheduling options for a second unit of work, based on the respective costs of the respective units of work. Neither *Rubert* nor *Benoit*, alone or together, teach such a limitation. In particular, both *Rubert* and *Benoit* both suggest that the same scheduling options will be provided to a user in any given case, regardless of relative differences in cost. Accordingly, Applicants submit claims 31-34, as well as their dependents, are allowable and allowance of these claims is respectfully requested.

Applicants are not conceding that claims 1, 12, 18 and 27 are not patentable over the art cited by the Examiner, as the present claim amendments and cancellations are only for facilitating expeditious prosecution. Applicants respectfully reserve the right to pursue these and other claims in one or more continuations and/or divisional patent applications.

Conclusion

Having addressed all issues set out in the office action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted, and
S-signed pursuant to 37 CFR 1.4,

/Gero G. McClellan, Reg. No. 44,227/

Gero G. McClellan
Registration No. 44,227
PATTERSON & SHERIDAN, L.L.P.
3040 Post Oak Blvd. Suite 1500
Houston, TX 77056
Telephone: (713) 623-4844
Facsimile: (713) 623-4846
Attorney for Applicants